



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

02- R-2157

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$2,772.70 TO BRENDA SCOTT IN
SETTLEMENT OF HER CLAIM AGAINST THE CITY OF
ATLANTA**

WHEREAS, Brenda Scott has filed a claim against the City of Atlanta seeking damages arising from damages sustained to her vehicle due to driving into an open and unsafe sewer construction cut in the roadway; and

WHEREAS, the City of Atlanta Sewer Division was in the process of laying 36 feet of an eight inch sewer line on Mary George Avenue, NW, but failed to keep the construction site safe for the motoring public; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$2,772.70 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Brenda Scott be settled for the sum of \$2,772.70.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,772.70 be paid by the City of Atlanta in satisfaction of any and all claims Brenda Scott may have stemming from damages sustained to her vehicle on or about August 10, 2002 at 1642 Mary George Avenue, NW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JAN 06, 2003
JAN 13, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0659

Date: November 21, 2002

Claimant /Victim BRENDA SCOTT

BY: (Atty)(Ins. Co.) _____

Address: 560 McAfee Street, Atlanta, Georgia 30313

Subrogation: _____ Claim for Property damage \$ 2,772.70 Bodily Injury \$ _____

Date of Notice: 09/03/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/10/02 Place: 1642 Mary George Avenue, NW

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant damaged her vehicle when she drove through an open and unsafe sewer construction site in the roadway causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,772.70 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 11-21-02

Committee Action: _____ Council Action _____

RCS# 4344
1/06/03
2:10 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-7; Except 02-O-1853; 02-R-1770
 02-R-2007; 02-R-2056
 ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

1/06/03 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-2008
2. 02-O-2071
3. 02-O-2175
4. 02-O-2170
5. 02-O-2171
6. 02-O-2024
7. 02-O-2172
8. 02-R-2130
9. 02-R-2157
10. 02-R-2158
11. 02-R-2159
12. 02-R-2186
13. 02-R-1964
14. 02-R-1965
15. 02-R-2067
16. 02-R-2134
17. 02-R-2135
18. 02-R-2136
19. 02-R-2137
20. 02-R-2138
21. 02-R-2139
22. 02-R-2140
23. 02-R-2141

**ITEMS ADVERSED ON CONSENT
AGENDA**

24. 02-R-2142
25. 02-R-2143
26. 02-R-2144
27. 02-R-2145
28. 02-R-2146
29. 02-R-2147
30. 02-R-2148
31. 02-R-2149
32. 02-R-2150
33. 02-R-2151
34. 02-R-2152
35. 02-R-2153
36. 02-R-2154
37. 02-R-2155
38. 02-R-2156

Consent I Vote: 11 Yeas; 0 Nays (See RCS #4344)

Items Removed from the Consent Agenda: 02-O-1853; 02-R-1770; 02-R-2007; 02-R-2056

02-R-2157
(Do Not Write Above This Line)

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TO BRENDA SCOTT IN SETTLEMENT OF
HER CLAIM AGAINST THE CITY OF
ATLANTA

APPROVED BY: ADOPTED BY

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
JAN 06 2003

Mayor's Council President
Catherine L. Holmes

CERTIFIED
JAN 06 2003

Randy Dugan
MUNICIPAL CLERK

MAYOR'S ACTION

Mayor's Council President
Catherine L. Holmes

JAN 13 2003

MAYOR